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July 27, 2011

Director of the United States Patent and Trademark Office  
P. O. Box 1450  
Alexandria VA 22313-1450

Re: Jacques Moret, Inc. v. Speedo Holdings B.V.  
Cancellation No. 92054121  
Trademark SPEEDRY  
Reg. No. 3513161  
Our Ref: JACQ1381US

# 77074971

Sir:

Belatedly submitted herewith is a service copy of a Petition to Cancel filed by ESTTA on June 16, 2011. Included is a new Certificate of Service.

The registrant, a foreign corporation, has not appointed a domestic representative. Service was erroneously made on the registrant's "new attorney" when it should have been made on the Director. 37 CFR § 2.24. The error was discovered on July 26, 2011 when the registrant's motion to dismiss for improper service was received. Petitioner will be filing a response to the motion to dismiss before the Trademark Trial and Appeal Board.

Respectfully submitted,

Howard F. Mandelbaum  
Registrant's Attorney

HFM/tct



08-01-2011


**United States Patent and Trademark Office**

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**Electronic System for Trademark Trials and Appeals**
**Receipt**

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ESTTA Tracking number: **ESTTA414808**

Filing date: **06/16/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

<b>Name</b>	Jacques Moret, Inc.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	New York
<b>Address</b>	1411 Broadway New York, NY 10018 UNITED STATES		

<b>Correspondence information</b>	Howard F Mandelbaum Attorney Levine & Mandelbaum 222 Bloomingdale Road Suite 203 White Plains, NY 10605 UNITED STATES mail@levman.com Phone:(914) 421-0500
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**Registration Subject to Cancellation**

<b>Registration No</b>	3513161	<b>Registration date</b>	10/07/2008
<b>Registrant</b>	Speedo Holdings B.V. Claude Debussylaan 24 1082 MD Amsterdam, NETHERLANDS		

**Goods/Services Subject to Cancellation**

Class 025. First Use: 2008/03/31 First Use In Commerce: 2008/03/31 All goods and services in the class are cancelled, namely: Clothing, namely, shirts, blouses, singlets, bathing caps, vests, skirts, dresses, tracksuits, sweaters, wetsuits for water skiing, underwear, t-shirts, running shorts, water shorts, crop tops, bra tops, unitards, leotards, biking shorts, athletic shorts, leggings, warm-up jackets, warm-up pants, sweatshirts, sweatpants; footwear; headgear, namely, hats and caps; swimwear
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**Grounds for Cancellation**

The registration is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used.	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

**Mark Cited by Petitioner as Basis for Cancellation**

<b>U.S. Registration No.</b>	2414630	<b>Application Date</b>	02/22/1999
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<b>Registration Date</b>	12/19/2000	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	SPEED DRI		
<b>Design Mark</b>	75644655#TMSN.gif		
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 025. First use: First Use: 1999/02/00 First Use In Commerce: 1999/02/00 Wearing Apparel, Namely Leotards, Leggings, Tops and Tights		

<b>Attachments</b>	75644655#TMSN.gif ( 1 page )( bytes ) JACQ1381US1USPetitiontoCancel.pdf ( 3 pages )(10135 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

<b>Signature</b>	/Howard F. Mandelbaum/
<b>Name</b>	Howard F Mandelbaum
<b>Date</b>	06/16/2011

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In re Registration of:  
SPEEDO HOLDINGS B.V.  
Registration No. 3,513,161  
Issued: October 7, 2008  
Trademark: SPEEDRY

PETITION TO CANCEL

2. Plaintiff has been producing and marketing activewear under the trademark SPEED DRI since 1999.

3. Plaintiff is the owner of U.S. Trademark Registration No. 2,414,630 for the trademark SPEED DRI for use on leggings and tops which it has produced and marketed for approximately 12 years and currently produces and markets.

4. On November 11, 2010, Plaintiff filed U.S. Trademark Application Serial No. 85/174,754 in the Patent and Trademark Office based on intent to use the mark SPEED DRI on "wearing apparel, namely, leotards and tights".

5. On December 27, 2010 the Examiner refused registration of SPEED DRI in Plaintiff's Application Serial No. 85/174,754 due to likelihood of confusion with the mark SPEEDRY in Defendant's Reg. No. 3,513,161.

6. The marks SPEED DRI and SPEEDRY are similar in appearance and spelling.

7. The marks SPEED DRI and SPEEDRY are identical in pronunciation.

8. Defendant's Reg. No. 3,513,161 for the mark SPEEDRY covers

Clothing, namely, shirts, blouses, singlets, bathing caps, vests, skirts, dresses, tracksuits, sweaters, wetsuits for water skiing, underwear, t-shirts, running shorts, water shorts, crop tops, bra tops, unitards, leotards, biking shorts, athletic shorts, leggings, warm-up jackets, warm-up pants, sweatshirts, sweatpants; footwear; headgear, namely, hats and caps; swimwear.

9. Both Plaintiff's Registration No. 2,414,630 and Defendant's later issued Registration No. 3,513,161 recite "leggings" in their respective identifications of goods.

10. "Tops" recited in the identification of goods in Plaintiff's Registration No. 2,414,630 encompasses "crop tops" and "bra tops" recited in the identification of goods in Defendant's later issued Registration No. 3,513,161.

11. Upon information and belief, Defendant's clothing is so closely related to Plaintiff's wearing apparel, that use of similar marks on the respective goods of the parties is likely to cause confusion or mistake, or to deceive purchasers as to the origin or sponsorship of the goods.

12. Plaintiff is damaged by the continued existence of the Defendant's registration, since that registration constitutes an impediment to registration of Plaintiff's trademark SPEED DRI.

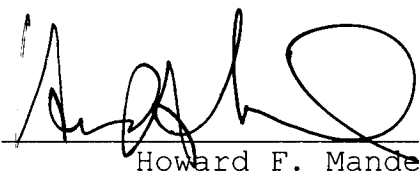
13. Upon information and belief, the registration by Defendant of SPEEDRY for goods identical and closely related to Plaintiff's goods will impair Plaintiff's free use and registration of its trademark, and has resulted and will continue to result in injury to the good will Plaintiff has acquired with respect to its trademark, and its ability to register and protect its trademark, all to Plaintiff's damage.

WHEREFORE, Plaintiff prays that this petition be sustained and that Registration No. 3,513,161 be cancelled.

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing  
Petition to Cancel has been forwarded this 27<sup>th</sup> day of July,  
2011, by first class mail, postage prepaid to:

Director of the United States Patent and  
Trademark Office  
P. O. Box 1450  
Alexandria VA 22313-1450

  
Howard F. Mandelbaum